

REMARKS

At the outset, the undersigned attorney is submitting this Petition under 37 CFR §1.34 in a representative capacity. New Powers of Attorney will be submitted shortly.

The above-identified application was unintentionally abandoned effective September 4, 2006. Applicants herewith petition to revive this unintentionally abandoned application under 37 CFR §1.137(b), and include as part of that petition a Reply in the form of a Request for Continued Examination (RCE) under 37 CFR §1.114. As part of that RCE, Applicants submit herewith the present amendment to address issues raised in the Advisory Action mailed August 30, 2006.

Following entry of the present amendment, claims 33, 35, and 36 remain in the application for consideration. Claims 1-32, 34, 37-66 are herein cancelled without prejudice.

Rejections under 35 USC §112, Second Paragraph

Claims 40-42 were rejected as being indefinite. Claims 40-42 are herein cancelled rendering this rejection moot.

Claim 40 was also rejected under 35 USC §112, Second Paragraph, as being indefinite. According to the Advisory Action mailed August 30, 2006, claim 40 was indicated as not providing antecedent basis for the phrase "said target protein".

Applicants submit that the phrase "said target protein" is not recited in claim 40, and believe that claim 33 was intended since the phrase is present in that claim.

To address the rejection, Applicants herein amend claim 33 to recite SEQ ID NO:2 in the detecting step as suggested by the Examiner, and now submit that this rejection is overcome.

Rejections under 35 USC §112, First Paragraph

Claims 33 and 35-36 were rejected as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

To address the rejection, Applicants herein amend claim 33 that SEQ ID NO: 2 or a fragment thereof comprises SEQ ID NO:5 or SEQ ID NO:6. Applicants submit that support for such amendments may be found in the specification at paragraph 0027. Applicants now submit that this rejection is overcome.

Rejections under 35 USC §102

Claims 40-42 were rejected as being anticipated by Maxwell et al. (Nature 399:271-275 (1999)).

Applicants herein cancel claims 40-42, and submit that this rejection is now moot.

Applicants submit that the claims are now in condition for allowance, and a Notice of Allowance is eagerly solicited.

Any fees due with this request may be charged to Deposit Account 23-1665, Customer Number 27267.

If the Examiner has any questions or feels that a discussion with Applicants' representative would expedite prosecution, the Examiner is invited and encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

LORENZ POELLINGER ET AL.

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